


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 6317-6319 Belair Road		

TO Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: November 2, 2011

REQUEST

The Department of Planning has received April Liggins' Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a tavern including live entertainment and dancing. We understand that this appeal was scheduled for hearing on October 25, 2011, but has been postponed to November 22, 2011.

SITE

6317-6319 Belair Road is located on the east side of the street, approximately 150' northeast of the intersection with Glenmore Avenue. This property measures approximately 56' 11" by 142' 2" and is currently improved with a two-story detached building measuring approximately 42' by 122'. This site is zoned B-2-2.

ANALYSIS

Conditional Use: In this zoning district, taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308).

Required Findings - Live Entertainment or Dancing: For a restaurant or tavern operating with live entertainment or dancing as an accessory use, the Board must consider imposing conditions, as appropriate, concerning:

- (1) days and hours of operation;
- (2) use of amplification, noise levels, and need for noise proofing;
- (3) limits on the size of the establishment or on the size, location, or configuration of the entertainment or dancing venue within the establishment;
- (4) number of live entertainers;
- (5) number of seats proposed for outdoor table service;
- (6) exterior lighting;
- (7) whether to limit the accessory use to live entertainment only or dancing only; and
- (8) the establishment and maintenance of:
 - (i) a traffic and parking management plan; and
 - (ii) an indoor and outdoor security plan. (§14-309)

The application states that the rated capacity of the tavern is 175 persons. The tavern is not obligated to provide off-street parking for its patrons under the terms of the Zoning Code but can provide up to five spaces at the rear of the building. The remainder of patrons are obliged to find on-street parking if they have driven to this location. The applicant states "we will encourage our customers to park on Belair Road". For this reason, if the live entertainment is

a successful business venture, it is important for the applicant to establish and implement the items listed above at numeral (8): a traffic and parking management plan, and an indoor and outdoor security plan. The application states that “a certified security officer” would be hired for times of parties of 60 or more people, but does not specify background of security personnel. This limited response by the applicant should be amended by her due in part to the record of Baltimore City Police responses to requests for assistance at this address: during 2010, there were over ten calls related to common or aggravated assault and six calls related to disorderly persons, as well as other calls which brought the annual total of calls to 27. This suggests a strong need for more than a single security officer, particularly in the 10 p.m. to 3 a.m. time interval when all of these calls were responded to.

The application also states that there will be exterior lighting and inside and outside security cameras installed in connection with the addition of live entertainment and dancing to the current tavern. The applicant should provide a site and building floor plan showing placement of outdoor lighting of the front, side, and rear of the building, and placement of inside and outside security cameras, as a deterrent for criminal activity.

RECOMMENDATION

The Department of Planning recommends disapproval of the original appeal as it was filed, because the applicant did not provide detailed plans for exterior lighting or security cameras, or a traffic and parking management plan and indoor and outdoor security plan, consistent with requirements of §14-309 of the Zoning Code. The Department further recommends that the threshold level of patronage for having security personnel on site be reduced from 60 persons to a level more consistent with good crowd control standards, and that the number and qualifications of security personnel be increased accordingly in the security plan.

As the applicant has informally indicated that she would provide some additional information that may address these concerns, the Department also requests that a complete hearing of this appeal not be held until information sufficient to respond completely to all items contained in §14-309 of the Zoning Code has been received and reviewed.

TJS/wya/mf

cc: April Liggins, Appellant